



Indiana Department of Natural Resources

Frank O'Bannon, Governor
Larry D. Macklin, Director

Division of Soil Conservation
800 S. College Avenue, Suite 1
Rensselaer, IN 47978-3054
Phone: (219) 866-8554, Ext. 123
FAX: 219) 866-5507

August 9, 1999

Mr. Robert Feddeler
R & M Disposal
18501 Clark Road
Lowell, Indiana 46356

RECEIVED

AUG 11 1999

DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT
SOLID & HAZARDOUS WASTE MANAGEMENT

RE: R & M Disposal, Inc. Landfill Expansion

Dear Mr. Feddeler:

I recently learned that you have modified your proposal for expansion of the R & M Disposal, Inc. landfill. I was informed that the size of the proposed project has been reduced from approximately 49 acres to approximately 20 acres. If in fact this is the case, it will be necessary to submit a new Erosion and Sediment Control plan to satisfy the requirements of 327 IAC 15-5 (Rule 5).

As you may recall, Cole Associates, Inc. of Indianapolis prepared an Erosion and Sediment Control plan for the 49-acre site. The plan was submitted to the Lake County Soil and Water Conservation District (SWCD) office for review. The SWCD reviewed the plan and on February 17, 1997 notified the Indiana Department of Environmental Management that the plan met the minimum requirements of 327 IAC 15-5.

It is our belief that the reduction in project size has most likely resulted in a change in the overall layout and design of the proposed landfill. Therefore, prior to initiation of earth moving activities on the new site, you will need to submit a new Erosion and Sediment Control Plan reflecting changes made to the project.

If you have any questions, please feel free to contact me at the above address. You can also call me at (219) 866-8554, Ext. 123.

Sincerely,

Larry Osterholz
Stormwater Specialist

cc: Lake County Soil and Water Conservation District, Crown Point
Mike Thompson, Rule 5 Permits Coordinator, Office of Water Quality, IDEM, Indianapolis
Jeff Sewell, Office of Solid and Hazardous Waste Management, IDEM, Indianapolis
File copy

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Form Letter Variable Sheet 4 for Renewal of the Construction/Operating Permit for

**Construction demolition site
Disposal Facilities**

In accordance with 329 IAC 2-16
Facilities closed before May 1996

SW Geology Permit Conditions

Geologist Name: Greg Overtoom
Date submitted: 7/7/99

Facility: Feddler
County: Lake
Facility Type: Construction Demolition
Status: Open
Permit Type: renewal
Permit Number:
Permit Manager: Jeff Sewell

Senior Geologist Initials or Section Chief: LF 7/23/99

Ground Water Monitoring Requirements:

SEE attachment

Site-specific geological requirements:

(F17)

Variable/nonmum2-16.wpd
standard/nmun2-16.wpd



D. GROUND WATER MONITORING REQUIREMENTS

- D1. Each ground water monitoring well and each piezometer must be labeled with a permanent and unique identification that must be used in reporting all well and piezometer information.
- D2. Proposed abandonment of any ground water monitoring well or any piezometer at a facility must have written approval from IDEM. Methods used shall be those recommended by OSHWM, Solid Waste Geology Section, and those pursuant to the Indiana Department of Natural Resources regulation 310 IAC 16-10-2. The Permittee shall notify OSHWM's Solid Waste Geology Section ten (10) days prior to abandonment. Documents for each well that is abandoned must be submitted to OSHWM within thirty (30) days of removal.
- D3. Access ways to each monitoring well must be maintained and passable throughout each season of the year. The use of these access ways must be restricted to persons authorized by the owner, operator, or permittee.
- D4. The Permittee must maintain all ground water monitoring wells. Necessary repairs, other than replacement (see Requirement D7), must be completed within ten (10) days of discovery. The Permittee must keep the monitoring wells securely capped and locked when not in use, repairing cracks, retaining mounds of clay-rich soil around the casings unless concrete pads have been installed, controlling vegetation height around the wells, and redeveloping the wells as needed.
- D5. The Permittee must submit ground water potentiometric-surface maps, or flow maps, of the aquifer(s) being monitored at the site. The ground water elevations must be obtained during the scheduled ground water sampling months and must be submitted with the water-quality results to OSHWM. The maps must contain the following:
 - a. Location and identification of each ground water monitoring well and piezometer;
 - b. Static water-level relative to mean sea-level for each well and piezometer. All elevations shall be measured on the same day and as close in time as possible prior to the purging and sampling event;
 - c. Date and time of static water-level measurement for each well and piezometer;
 - d. Ground-surface elevation at each well and piezometer;
 - e. Facility property boundaries;
 - f. Identification of the aquifer represented, either by a name or an elevation;
 - g. Solid waste fill boundaries;

- h. Facility name and county;
- i. Map scale, north arrow, ground water flow direction arrows, and the potentiometric-surface contour interval;
- j. Indications of which monitoring wells are considered background, downgradient, or intrawell;
- k. Locations and elevations of all site benchmarks.

D6. If the ground water flow data indicate that ground water flow directions are other than anticipated in the design of the ground water monitoring system, the Permittee must notify OSHWM within ten (10) days of discovery. Within thirty (30) days of the notification, the Permittee must submit to OSHWM a report demonstrating that the existing ground water monitoring system meets the following requirements:

- a. The ground water monitoring system consists of at least one (1) upgradient and three (3) downgradient monitoring devices.
- b. The monitoring device locations and screened intervals yield ground water samples that represent the quality of both background water and the quality of ground water passing the monitoring boundary of the facility.

If OSHWM determines that the existing ground water monitoring well system does not meet requirements (a) and (b), the Permittee must propose additional ground water monitoring well(s) as needed. The additional ground water monitoring well(s) shall be installed within thirty (30) days after receiving written approval from the OSHWM.

D7. If for any reason a ground water monitoring well or piezometer is destroyed or otherwise fails to properly function, OSHWM must be notified within ten (10) days of discovery. The well shall be repaired if possible. If the well cannot be repaired, it must be properly abandoned and replaced within sixty (60) days of the notification, unless the Permittee is notified otherwise in writing by OSHWM.

D8. The Permittee must follow the ground water monitoring plan (Sampling and Analysis Plan (SAP)) dated March 17, 1998. The Permittee must revise the ground water monitoring plan if notified to do so by OSHWM. Any revision to the plan will not be considered a modification of this permit.

D9. All ground water monitoring wells which constitute the facility's permanent ground water monitoring well system must have individual water samples collected and analyzed during June and December each year. These wells have been identified as follows; MW-1, MW-2, MW-7, MW-8, MW-9, MW-10, MW-11, MW-12, and MW-13. Each sample shall be analyzed for the following Phase I parameters:

- (1) Field pH
- (2) Field specific conductance
- (3) Field temperature
- (4) Chloride
- (5) Barium (Dissolved)
- (6) Arsenic (Dissolved)
- (7) Sodium (Dissolved)
- (8) Sulfate
- (9) Ammonium
- (10) Methylene chloride
- (11) 1,1-Dichloroethane
- (12) Toluene
- (13) Benzene
- (14) 1,2-Dichloroethlyene (Total)
- (15) Ethyl benzene
- (16) 2-Butanone (Methyl ethyl ketone)
- (17) Total phenolics

- D10. One (1) original unbound laboratory certified report with field sheets and chain of custody forms; and one (1) electronic version of the analytical results with the field parameters (pH, specific conductance, temperature, well depth, depth to water, and static water elevation) must be submitted to OSHWM within sixty (60) days of the sampling event.

The electronic version must be on a DOS formatted 3 1/2 inch diskette, 100 MB Zip disk, or CD-ROM; or may be submitted via electronic mail (e-mail) to the e-mail address, oshwmdata@dem.state.in.us. *The electronic version should be submitted as an ASCII tab-delimited text file and contain the facility's name and permit number. Field parameters and analytical results must include the fields listed below.

- a. Sampling Date: Month, day and year;
- b. Well Name: Include approved and corrective action wells;
- c. Sample Type: Regular, duplicate(s), trip blank(s), equipment blank(s), field blank(s), verification re-sample(s) and replicate(s);
- d. Species Name: Chloride, sodium, ammonia, etc;
- e. Concentration (results);
- f. Concentration Units: mg/l, ug/l, standard units for pH, degrees centigrade (°C), or degrees Fahrenheit (°F) for temperature, mvolts for Eh, and umhos/cm for specific conductance;
- g. Detected: Yes or No;
- h. Detection Limit;
- i. Analytical methods;
- j. Estimated Value: Indicate 'Yes' if the reported value is an estimated value. If a value is estimated, use the 'Comment' field to explain why the value was estimated;

k. Comment: Analytical lab and/or field personnel comments regarding the reported results.

D11. All applicable Quality Assurance/Quality Control (QA/QC) documentation generated from valid analyses of ground water samples by the laboratory must be retained and be available upon request by the OSHWM, for a minimum of three (3) years. In addition, two (2) copies of a Level III ground water monitoring data package, as described in the current edition of the "Solid Waste Program Analytical Data Deliverable Requirements: A Guidance Document", must be submitted to OSHWM within sixty (60) days of the first groundwater monitoring event scheduled after the approval letter issuance date.

OK D12. Monitoring wells MW-3, MW-4, MW-5, and MW-6 must be renamed as PZ-3, PZ-4, PZ-5, and PZ-6, respectively and must be used to measure ground water elevations each time ground water sampling is conducted.

D13. Ground-water monitoring must be conducted throughout the active life and the post-closure care period of the facility. Monitoring may be extended beyond the post-closure care period if OSHWM determines that the facility is adversely impacting the ground water or poses a threat to human health and the environment.

D14. The Permittee must use the site-established background. Background must also be established for any additional background wells. Background shall be established during at least four (4) consecutive, sampling events and be completed within two (2) years after well installation. Background shall be established for the following:

- a. The Phase I parameters in Requirement D9;
- b. The secondary standards in 329 IAC 10-29-7(c);
- c. The ground water protection standard in 329 IAC 10-29-10.

The upgradient or background (for intra-well) monitoring wells are MW-1 and MW-8.

D15. The Permittee must determine whether there is a statistically significant increase (or decrease, in the case of pH) relative to the background for each Phase I parameter by comparing the value obtained during each semiannual analysis with the established background. Two (2) copies of the semiannual statistical evaluation report must be submitted to OSHWM within sixty (60) days of the sampling event.

In the statistical evaluation report the Permittee must present the distribution assumptions. A statistical procedure must be chosen that is appropriate for the distribution of the data being considered and that provides a balance between the probability of falsely identifying a significant difference and the probability of failing to identify a significant difference. The statistical procedure shall provide a 95 percent level of confidence to determine if a statistically significant increase occurs in the

✓ concentration of a Phase I or Phase II parameter. To achieve the 95 percent level of confidence, the Permittee should consider the background sample sizes, the number of individual statistical tests performed, and the specific verification resampling method.

D16. If the Permittee determines that there is a statistically significant increase (or pH decrease) relative to background for two (2) or more of the indicator parameters at any of the downgradient ground monitoring wells, the Permittee must:

- a. Notify OSHWM in writing within fourteen (14) days of this finding. The notification must state which Phase I parameters have shown statistically significant increases (or pH decrease) relative to background levels and in which downgradient ground water monitoring well(s) the elevated concentrations were detected.
- b. Collect and analyze the ground water from all monitoring wells for the parameters in Requirements D14(a), (b) and (c). These results must be submitted to OSHWM within sixty (60) days of determining the statistically significant increases.
- c. The Permittee must establish a Phase II monitoring program based on the results obtained in Requirement D16(b) and in consultation with OSHWM, Solid Waste Geology Section within thirty (30) days of completion of Requirement D16(b).

The Permittee must continue the scheduled Phase I monitoring as described in Requirement D9 throughout the establishment and implementation of a Phase II monitoring program.


D17. In lieu of doing Requirements D16(b) and (c), the Permittee may attempt to demonstrate that a source other than the solid waste facility caused the increase (or pH decrease) or that the increase (or pH decrease) resulted from error in sampling, analysis, or evaluation. For the demonstration to be accepted by OSHWM, the Permittee must comply with the following requirements:

- a. Notify OSHWM in writing of the intent to make a demonstration. This notification must be submitted within seven (7) days of determining a statistically significant increase (or pH decrease);
- b. Submit a report to OSHWM within ninety (90) days of determining a statistically significant increase (or pH decrease). The report must demonstrate that a source other than the solid waste facility caused the increase (or pH decrease), or that the increase (or pH decrease) resulted from error in sampling, analysis, or evaluation. The report must state what efforts will be taken to prevent these errors from recurring;
- c. Continue to monitor ground water at all monitoring wells according to the

scheduled Phase I monitoring established under Requirement D9.

✓ If a demonstration is not acceptable to OSHWM, the Permittee must continue with the Phase II monitoring program established in Requirement D16(c).

D18. *When required,* ~~If necessary,~~ the Permittee must implement a corrective action program as required under 329 IAC 10-29-9. The corrective action program shall be deemed complete when ground water protection standards have been met at all points of the plume beyond the monitoring boundary for a period of three (3) consecutive years using the statistical procedures outlined in 329 IAC 10-29-5 and procedures approved through this permit.

ATTN: 2 PAGESJEROME RUDChief → Permit Section

HC 26
Lake Co.
West Creek Prairie C/D Site
June 16, 1999
Henry Koszuba
18606 Austin St
Lowell, Ind 46356
219696 7613

Mr Jeff Sewell
Solid Waste Permit Management Section

Dear Mr. Sewell.

Enclosed is a letter from Anna Handfield Manager of Reference Service in the Lake County Public Library in Merrillville Indiana.

The letter states West Creek Prairie C/D Sordhill did not ful- fill their obligation in delivering the application for completeness Review to the library for people of Lake County to proceed for technical review.

West Creek Prairie failed to comply with Rule 329 IAC 10-12-1 Sec 1-3E. That 5 days after application has been deemed it should have been at library

At library in Merrillville, West Creek Prairie are 17 days late on a June 15, 1999

West Creek Prairie failed to comply and a denial in their application and permit should be Denied.

Sincerely
Henry Koszuba
Apponent of Sordhill

Enclosure - Library letter

cc Jerome Rud Chief Permit Section
Leah S. Faulty Chief Compliance



Lake County Public Library

Reference Services

1919 West 81st Avenue Merrillville, IN 46410
(219) 769-3541 FAX (219) 756-9358

June 15, 1999

Mr. Jeff Sewell
Solid Waste Facilities Branch
Office of Solid and Hazardous Waste Management
Indiana Department of Environmental Management
100 North Senate Avenue
P.O. Box 6015, Rm N1154
Indianapolis, IN 46206-6015

Dear Mr. Sewell,

Lake County Public Library has received one 3 ring binder with the title
Response
To
Request for Additional Information
New Construction/Demolition Waste
Landfill

dated December 1998. This binder was received Friday, May 28, 1999. The West Creek Prairie Construction/Demolition Landfill reports have not all been delivered to our library. We are still waiting for another report binder and maps for this project.

Concerned citizens have been asking for the complete information packet and we do not have them. The library has always cooperated with state and local agencies as a public information platform and forum.

Today, June 15, 1999, a Lowell citizen requested the entire information packet. As of 3:00 p.m. Lake County Public Library in Merrillville did not have the complete information packet for West Creek Prairie C/D Landfill. Please rectify this oversight.

Thanking you in advance for your cooperation,

Ana Grandfield, Manager
Reference Services



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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11C 2a

Frank O'Bannon
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Lori F. Kaplan
Commissioner

100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015
(317) 232-8603
(800) 451-6027
www.idem.org
May 11, 1999

VIA CERTIFIED MAIL

Z 376 731 633

Mr. Robert Feddeler
R & M Enterprises, Inc.
18501 Clark Road
Lowell, IN 46356

Dear Mr. Feddeler:

Re: Approval of Minor Modification to
Solid Waste Facility Permit FP 45-08
Feddeler Construction/Demolition Site
Lake County

R & M Enterprises, Inc. is hereby granted a minor modification to solid waste facility permit, FP 45-08, pursuant to IC 13-15-1-3, IC 13-15-7-1, 329 IAC 10-11-6 and 329 IAC 10-13-6. This decision is based on the minor permit modification application submitted to the Indiana Department of Environmental Management (IDEM), on March 16, 1999, and additional information received on April 9, 1999.

This minor permit modification approves revised final grades which will add approximately 298,584 cubic yards of air space and improve the surface water management for the facility. The final cover shall be constructed in accordance with the approved final grading plan, titled "Revised Grading Plan," received by IDEM on March 16, 1999, and the applicable requirements of 329 IAC 10-37-3 and 10-36-11. Grading and stabilization of the final cover shall be accomplished in accordance with 329 IAC 10-36-14. The new maximum final elevation of the facility is 730 feet above mean sea level. The maximum final elevation of the prior final grading plan was 716 feet above mean sea level.

In accordance with 329 IAC 10-13-4, solid waste facility permit, FP 45-08, as amended by this minor permit modification, does not authorize: any injury to any person or private property; the invasion of other private rights; the infringement of federal, state, or local laws or regulations; nor preempt any duty to comply with other state or local requirements.

The solid waste facility referenced above is located on SR 2, 1/2 mile east of US 41 and contains approximately 41 acres permitted for landfilling.

Mr. Feddeler
Page 2.

Pursuant to IC 4-21.5, a Petition for Review of this minor permit modification letter may be initiated by you, as applicant, or by an "aggrieved or adversely affected person." This decision becomes effective once all applicable time periods for petitioning for Stays of Effectiveness have expired, unless you are notified in writing by an Environmental Law Judge that the minor permit modification has been further stayed. As discussed in our enclosed Notice of Decision, if you wish to challenge this decision, you must file a Petition for Review with the Office of Environmental Adjudication within 18 days from the date that this letter was mailed, pursuant to IC 4-21.5-3-7.

If you have any questions regarding this matter, please call (800) 451-6027, press 0 and ask for Jeff Sewell, or ask for extension 3-5562 or dial (317) 233-5562.

Sincerely,



Laura Steadham, Chief
Solid Waste Facilities Branch
Solid and Hazardous Waste Management

JLS

Enclosures Notice of Decision
 Letter to Lowell Public Library
 Letter to the Lowell Tribune
 Letter to the Post-Tribune

cc: Lake County Health Department (with enclosures)
 Lake County Commissioners (with enclosures)
 IDEM, Northwest Regional Office (with enclosures)
 Lake County Solid Waste Management District (with enclosures)
 Andrew Bowman, Esq., McHale, Cook & Welch (with enclosures)
 Melinda Shapiro, Esq., Bose, McKinney & Evans (with enclosures)
 Larry Emerson, P.E., Weaver Boos & Gordon (with enclosures)
 Representative Linda Lawson (with enclosures)
 Representative Earl Harris (with enclosures)
 Representative Charlie Brown (with enclosures)
 Representative Esther Wilson (with enclosures)

Mr. Feddeler

Page 3.

cc: Representative Dan C. Stevenson (with enclosures)
Representative Jesse M. Villalpando (with enclosures)
Representative Chester F. Dobis (with enclosures)
Representative Vernon G. Smith (with enclosures)
Representative Timothy Fesko (with enclosures)
Representative Robert D. Kuzman (with enclosures)
Senator Frank Mrvan (with enclosures)
Senator Samuel Smith, Jr. (with enclosures)
Senator Earline S. Rogers (with enclosures)
Senator Rose Ann Antich (with enclosures)
Senator Sue Landske (with enclosures)
Henry Kaszuba (with enclosures)
Martin Kroll (with enclosures)
Larry Stoller (with enclosures)
West Creek Township for a Cleaner Environment (with enclosures)



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100 North Senate Avenue
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Indianapolis, Indiana 46206-6015
(317) 232-8603
(800) 451-6027
www.ai.org/idem

May 11, 1999

Lowell Public Library
1505 East Commercial
Lowell, Indiana 46356-1899

Re: Documents for Public View

Dear Sir/Madam:

A copy of the Minor Permit Modification for the Feddeler Construction/Demolition Site to revise final grades is enclosed. Please make these documents available to the public for the next twenty (20) days, since this permit modification can be appealed within that time period. You will also find enclosed a copy of the public notice announcing the decision and indicating the document's availability at your library. This public notice will appear in a local newspaper soon.

Please date and sign the enclosed verification of receipt form and mail it to our office in the envelope provided.

Thank you very much for your cooperation and if you have any questions, please call (800) 451-6027, press 0 and ask for Jeff Sewell, or ask for extension 3-5562, or dial (317) 233-5562.

Sincerely,

Laura Steadham, Chief
Solid Waste Facilities Branch
Solid and Hazardous Waste Management

JLS/jep

Enclosures: Notice of Decision
Permit Letter
Verification of Receipt Form
Agency Addressed Envelope

cc: Lake County Health Department
Lake County Commissioners
IDEM, Northwest Regional Office
Lake County Solid Waste Management District

Page 2.

cc: Andrew Bowman, Esq., McHale, Cook & Welch
Melinda Shapiro, Esq., Bose, McKinney & Evans
Larry Emerson, P.E., Weaver, Boos & Gordon
Representative Linda Lawson
Representative Earl Harris
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Indianapolis, Indiana 46206-6015
(317) 232-8603
(800) 451-6027
www.idem.org
May 11, 1999

Legal Advertising Department
Post-Tribune
1065 Broadway
Gary, Indiana 46402

Re: Public Notice

Dear Sir/Madam:

Enclosed please find a copy of our Notice of Decision to issue a solid waste facility Minor Permit Modification to the Feddeler Construction/Demolition Site, Lake County. We request that you publish this notice, one time only, as soon as possible.

For billing, please send a notarized form and clippings showing the date of publication to Mr. Jeff Sewell, Indiana Department of Environmental Management, P.O. Box 6015, Indianapolis, Indiana 46206-6015. On the backside of your publisher claim, please be sure to include your Social Security or Federal Identification number on the first line below the statement: "In the sum of \$..."

If you have any questions regarding this matter, please call (800) 451-6027, press 0 and ask for Jeff Sewell, or ask for extension 3-5562 or dial (317) 233-5562.

Sincerely,

Laura Steadham, Chief
Solid Waste Facilities Branch
Solid and Hazardous Waste Management

JLS/jep

Enclosure (Notice of Decision)

cc: Lake County Health Department
Lake County Commissioners
IDEM, Northwest Regional Office
Lake County Solid Waste Management District
Andrew Bowman, Esq., McHale, Cook & Welch
Melinda Shapiro, Esq., Bose, McKinney & Evans

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Mr. Feddeler

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May 11, 1999

Legal Advertising Department
Lowell Tribune
P.O. Box 248
Lowell, Indiana 46356

Re: Public Notice

Dear Sir/Madam:

Enclosed please find a copy of our Notice of Decision to issue a solid waste facility Minor Permit Modification to the Feddeler Construction/Demolition Site, Lake County. We request that you publish this notice, one time only, as soon as possible.

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Sincerely,

Laura Steadham, Chief
Solid Waste Facilities Branch
Solid and Hazardous Waste Management

JLS/jep

Enclosure (Notice of Decision)

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Senator Sue Landske
Henry Kaszuba
Martin Kroll
Larry Stoller
West Creek Township for a Cleaner Environment

NOTICE OF DECISION

Indiana Department of Environmental Management

Please be advised that the Indiana Department of Environmental Management, Office of Solid and Hazardous Waste Management, has issued a solid waste facility Minor Permit Modification for the Feddeler Construction/Demolition Site which is located at SR 2, 1/2 Mile East Of US 41, Lake County, Indiana. This permit allows the R & M Enterprises, Inc. to revise final grades which will add approximately 298,584 cubic yards of air space and improve the surface water management for the facility. The new maximum final elevation of the facility is 730 feet above mean sea level. The maximum final elevation of the prior final grading plan was 716 feet above mean sea level. A copy of this permit is available for review at Lowell Public Library located at 1505 East Commercial, Lowell, Indiana.

If anyone wishes to challenge this decision, IC 13-15-6-1 and IC 4-21.5-3-7 requires that they file a petition for administrative review not later than fifteen (15) days after being served with this notice. Under IC 13-15-6-7(c) you are considered to be served with this notice when you are personally served with the notice or three (3) days after the notice is deposited in the United States mail and addressed to you, whichever occurs first. Your petition describing your intent to challenge the IDEM decision must be submitted to the Office of Environmental Adjudication, ISTA Building, 150 W. Market Street, Suite 618, Indianapolis, IN 46204.

Your filing of a petition for administrative review is complete on the earliest of the following dates that apply to the filing: (1) The date the document is delivered to the Office of Environmental Adjudication (OEA), (2) The date of the postmark on the envelope containing the document, if the document is mailed to OEA by U.S. mail, or (3) The date on which the document is deposited with a private carrier, as shown by the receipt issued by the carrier, if the document is sent to the OEA by private carrier. This petition must include facts demonstrating that the petitioner is the applicant, a person aggrieved by the decision, or a person entitled to review by law. In order to assist the permit staff in tracking appeals, we request that you submit a copy of your petition to Mr. Jeff Sewell, Solid Waste Facilities Branch, at 100 N. Senate Ave., P.O. Box 6015, Indianapolis, Indiana 46206. Identifying the permit decision, or other order for which you seek review by permit number, name of the application, location, or date of this notice will expedite review of the petition.

Additionally, IC 13-15-6-2 requires that such petition for administrative review include: (1) The name and address of the person making the request, (2) The interest of the person making the request, (3) Identification of any persons represented by the person making the request, (4) The reasons, with particularity, for the request, (5) The issues, with particularity, proposed for consideration at the hearing, and (6) The permit terms and conditions which, in the judgement of the person making the request, would be appropriate.

Pursuant to IC 4-21.5-3-5(d), the Office of Environmental Adjudication will provide the petitioner or any person requesting notice with notice of prehearing conferences, preliminary hearings, hearing stays or orders disposing of the petition for review if a written request for such notice is submitted to the Office of Environmental Adjudication at the above address. If you have procedural or scheduling questions regarding your petition, you may contact OEA by dialing (800) 451-6027, press 0 and ask for extension 2-8591 or dial (317) 232-8591. Questions regarding the technical aspects of the permit decision should be directed to Jeff Sewell by calling (800) 451-6027, press 0 and ask for Jeff Sewell, or ask for extension 3-5562 or dial (317) 233-5562.

Please bring this matter to the attention of persons you believe may have an interest in it.

NOTICE OF DECISION

Indiana Department of Environmental Management

You are hereby notified that the Indiana Department of Environmental Management, Office of Solid and Hazardous Waste Management, has issued a solid waste facility Minor Permit Modification for the Feddeler Construction/Demolition Site which is located at SR 2, 1/2 Mile East Of US 41, Lake County, Indiana. This permit allows the R & M Enterprises, Inc. to revise final grades which will add approximately 298,584 cubic yards of air space and improve the surface water management for the facility. The new maximum final elevation of the facility is 730 feet above mean sea level. The maximum final elevation of the prior final grading plan was 716 feet above mean sea level. A copy of this permit is available for review at Lowell Public Library located at 1505 East Commercial, Lowell, Indiana. A copy of this permit is available for review at Lowell Public Library located at 1505 East Commercial, Lowell, Indiana.

If you wish to challenge this decision, IC 13-15-6-1 and IC 4-21.5-3-7 requires that you file a petition for administrative review not later than fifteen (15) days after being served with this notice. Under IC 13-15-6-7(c) you are considered to be served with this notice when you are personally served with the notice or three (3) days after the notice is deposited in the United States mail and addressed to you, whichever occurs first. Your petition describing your intent to challenge the IDEM decision must be submitted to the Office of Environmental Adjudication, ISTA Building, 150 W. Market Street, Suite 618, Indianapolis, IN 46204. The filing of a petition for administrative review is complete on the earliest of the following dates that apply to the filing: (1) The date the document is delivered to the Office of Environmental Adjudication (OEA), (2) The date of the postmark on the envelope containing the document, if the document is mailed to OEA by U.S. mail, or (3) The date on which the document is deposited with a private carrier, as shown by the receipt issued by the carrier, if the document is sent to the OEA by private carrier. This petition must include facts demonstrating that the petitioner is the applicant, a person aggrieved by the decision, or a person entitled to review by law. In order to assist the permit staff in tracking appeals, we request that you submit a copy of your petition to Mr. Jeff Sewell, Solid Waste Facilities Branch, at 100 N. Senate Ave., P.O. Box 6015, Indianapolis, Indiana 46206. Identifying the permit decision, or other order for which you seek review by permit number, name of the applicant, location, or date of this notice, will expedite review of the petition.

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Please bring this matter to the attention of persons you believe may have an interest in it.

*Weaver
Boos &
Gordon, Inc.*

2C1a
Feddelers C/D Site
Lake Co.

200 SOUTH MICHIGAN AVENUE • SUITE 900 • CHICAGO, ILLINOIS 60604 • 312/922-1030 FAX 922-0201

April 20, 1999
File 0072-01-10

Mr. Jeff Sewell
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, Indiana 46206

**Feddeler C&D Facility
Application for Minor Modification
Lowell, Indiana**

Dear Mr. Sewell:

On behalf of our client, Weaver Boos & Gordon, Inc. is submitting the enclosed form SWF-12 for the Application for a Minor Modification for the Feddeler C&D Facility in Lowell, Indiana. The original signed form and 3 copies are provided. As requested, a list of adjacent land owners is also enclosed.

Please call if you have any questions regarding this submittal or require additional information.

Very truly yours,
Weaver Boos & Gordon, Inc.

Tamara A Perkins

Tamara A. Perkins
Staff Engineer

cc: Mr. Robert W. Feddeler – R & M Enterprises

RECEIVED
APR 22 1999
DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT
SOLID HAZARDOUS WASTE MANAGEMENT



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

SOLID WASTE PROCESSING FACILITY**PERMIT APPLICATION SWF-12****To begin:**

Please read the instruction manual before beginning. This application form shall be used to apply for all solid waste processing facility permits and modifications pursuant to 329 IAC 11-9. **Please note** the version date of this form next to the page number; if you have received this form more than 6 months after this date it is recommended you contact our office at 317-232-0066 to determine if this form is still current. When completed, please return this form and support documents, forms and checklists to:

Solid Waste Facilities Branch
Office of Solid and Hazardous Waste Management
Indiana Department of Environmental Management
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015

This application is for a: ☐ new (construction/operation) permit ☐ major permit modification (capacity increase)
☒ minor permit modification

Section A. Applicant(s) Information

Name: R & M Enterprises				
Address:	Street	Apt. #	P.O. Box	Town/City
	18501 Clark Road			Lowell
State	Zip Code	Telephone Number (with area code)		
Indiana	46356	219-696-8905		

Section B. Facility Owner(s) Information

Name: R & M Enterprises				
Mailing Address:	Street	Apt. #	P.O. Box	Town/City
	18501 Clark Road			Lowell
State	Zip Code	Telephone Number (with area code)		
Indiana	46356	219-696-8905		

Section C. Operator(s) Information

Name: R & M Enterprises				
Mailing Address:	Street	Apt. #	P.O. Box	Town/City
	18501 Clark Road			Lowell
State	Zip Code	Telephone Number (with area code)		
Indiana	46356	219-696-8905		

Section D. Property Owner (s) Information

Name: R & M Enterprises				
Mailing Address:	Street	Apt. #	P.O. Box	Town/City
	18501 Clark Road			Lowell
State	Zip Code	Telephone Number (with area code)		
Indiana	46356	219 - 696-8905		

Please note that in accordance with 329 IAC 11-11-4(b) the owner, operator & permittee of a solid waste land disposal facility, and the owner or owners of the land upon which the facility is located, shall be liable for any environmental harm caused by the facility.

Section E. Facility Information

Name: Feddeler C & D Facility				
Mailing Address:	Street	Apt. #	P.O. Box	Town/City
	18501 Clark Road			Lowell
Location Address:	Street/County Road	Town/City		
	10100 181 st Street	Lowell		
Type of Operation:				
<input type="checkbox"/> Incinerator - 10 tons/day or greater		<input type="checkbox"/> Transfer Station		
<input type="checkbox"/> Infectious Waste Incinerator - 7 tons/day or greater		<input checked="" type="checkbox"/> Other Solid Waste Processing Facility		
Planned Life of Facility in Years:	Expected Daily Volume - Tons:	Expected Daily Volume - Cubic Yards:	Types of Waste Received:	
2	820	910	Construction & Demolition	

Section F. Names and Address of Affected Government Officials

1) Members of the board of county commissioners where facility/expansion to be located

Typed Name: Rudolph Clay

Typed Name: _____

Typed Address: Lake County Government Ctr.

Typed Address: _____

Typed Address: 2293 N. Main Street

Typed Address: _____

Typed City, St.: Crown Point, IN 46307
Zip

Typed City, St.: _____
Zip

Typed Name: Gerald Scheub

Typed Name: _____

Typed Address: Lake County Government Ctr.

Typed Address: _____

Typed Address: 2293 N. Main Street

Typed Address: _____

Typed City, St.: Crown Point, IN 46307
Zip

Typed City, St.: _____
Zip

Typed Name: Frances L. Dupey

Typed Name: _____

Typed Address: Lake County Government Ctr.

Typed Address: _____

Typed Address: 2293 N. Main Street

Typed Address: _____

Typed City, St.: Crown Point, IN 46307
Zip

Typed City, St.: _____
Zip

Section F. Names and Addresses of Affected Government Officials (continued)

Typed Name: _____

Typed Name: _____

Typed Address: _____

Typed Address: _____

Typed Address: _____

Typed Address: _____

Typed City, St.: _____

Typed City, St.: _____

Zip

Zip

2) Mayor(s) of any city(s) affected by the permit application

Typed Name: _____

Typed Name: _____

Typed Address: _____

Typed Address: _____

Typed Address: _____

Typed Address: _____

Typed City, St.: _____

Typed City, St.: _____

Zip

Zip

Typed Name: _____

Typed Name: _____

Typed Address: _____

Typed Address: _____

Typed Address: _____

Typed Address: _____

Typed City, St.: _____

Typed City, St.: _____

Zip

Zip

3) President(s) of town council(s) of any town(s) affected by the permit application

Typed Name: Terry Short

Typed Name: _____

Typed Address: President, Town of Lowell Board

Typed Address: _____

Typed Address: Town Hall, P.O. Box 157

Typed Address: _____

Typed City, St.: Lowell, IN 46356

Typed City, St.: _____

Zip

Zip

Typed Name: _____

Typed Name: _____

Typed Address: _____

Typed Address: _____

Typed Address: _____

Typed Address: _____

Typed City, St.: _____

Typed City, St.: _____

Zip

Zip

Please use additional sheets as needed to include all local officials affected by this permit application.

Section G. Signatures and Certification Statements

329 IAC 10-11-3(d) requires that the signatory for a permit application sign to the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further certify that I am authorized to submit this information."

Robert W. Feddeler
APPLICANT'S SIGNATURE

4/20/99
DATE

Robert W. Feddeler
APPLICANT'S NAME TYPED

329 IAC 11-9-1(b) requires the owner of the land upon which a facility is located to sign the application form acknowledging the land owner's responsibility established in 329 IAC 11-11-4:

"I hereby certify that I am fully aware of my responsibilities established in 329 IAC 11-11-4 as owner of the land upon which a solid waste facility is located and shall be liable for any environmental harm caused by the facility."

Robert W. Feddeler
LAND OWNER'S SIGNATURE

4/20/99
DATE

Robert W. Feddeler
LAND OWNER'S NAME TYPED

Adjacent Property Owners

Don Bales
Bales International
10102 W. 181st Street
Lowell, Indiana 46356

Bob Bruce
Waste Services, Inc.
10802 W. 205th Ave.,
Lowell, Indiana 46356

Robert Swett
9910 W. 181st Street
Lowell, Indiana 46356

Gerald Bruce
9704 W. 181st Ave.
Lowell, Indiana 46356

Larry Stoller
9605 W. 181st Street
Lowell, Indiana 46356

George Koistra
R.R. 13
Box 275
Brazil, Indiana 47834

2C1a
Feddeler C/D Site
Lake Co.
ALBUQUERQUE, NM
CHICAGO, IL
GRIFFITH, IN

GEO-ENVIRONMENTAL ENGINEERS AND SCIENTISTS
www.weaverboos.com

*Weaver
Boos &
Gordon, Inc.*

200 SOUTH MICHIGAN AVENUE • SUITE 900 • CHICAGO, ILLINOIS 60604 • 312/922-1030 FAX 922-0201

March 12, 1999
Project No. 0072-03-11

Cashiers Office (N1324)
Indiana Department of Environmental Management
100 North Senate Avenue
P.O. Box 7060
Indianapolis, Indiana 46206-7060

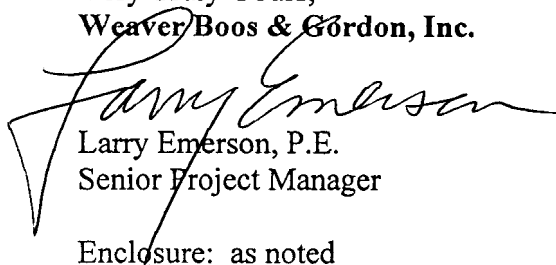
**Re: Feddeler C/D Landfill, Lake County
Permit # FP45-08
Application Fee for minor Modifications**

Dear Sir or Madam:

Enclosed is check No. 7925 for the amount of \$2,500.00 and the IDEM Fee Transmittal Form 47215. This check is for the fee associated with a permit for a minor modification for the referenced facility.

If you have any questions or require further information, please feel free to call me.

Very Truly Yours,
Weaver Boos & Gordon, Inc.



Larry Emerson, P.E.
Senior Project Manager

Enclosure: as noted

Cc Jeff Sewell
Julie Feddeler



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
SOLID WASTE FACILITY PERMIT APPLICATION & REGISTRATION
FEE TRANSMITTAL FORM 47215

To begin:

Please read the instruction manual before beginning. This form shall be used to transmit fees for all solid waste management facility permits, applications (NEW permits, RENEWALS of permits, MAJOR and MINOR MODIFICATIONS of permits) and registrations. The current fee schedule was established by Ind. Code § 13-20-21-2 through 13-20-21-3, and is to accompany all payments. Make check or money order payable to the Indiana Department of Environmental Management. Upon completion, return this form and appropriate fees to the following address:

Cashier's Office (N1324)
Indiana Department of Environmental Management
100 North Senate Avenue, P.O. Box 7060
Indianapolis, Indiana 46206-7060

NOTE: A COPY of your check and a COPY of this fee transmittal form must be attached to your permit application or registration. Submit application or registration materials to:

Solid Waste Facilities Branch
Office of Solid and Hazardous Waste Management (N1154)
Indiana Department of Environmental Management
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

Section A. Applicant(s) Information

Name: <i>REM ENTERPRISES</i>		
Mailing Address:		City
<i>18501 Clark Road</i>		<i>Lowell</i>
State	Zip Code	Telephone Number (with Area Code):
<i>IN</i>	<i>46356</i>	<i>219-</i>
Facility Name and County: <i>Feddeler C/D Landfill, Lake County</i>		

MAR 16 PM3:08

DATE	PAYEE	DESCRIPTION	CHK NUM	AMOUNT
12/21/98	IDEM	PERMIT MODIFICATION	7925	\$2,500.00



DEM99B

100 North Senate Avenue
PO Box 6015
Indianapolis, Indiana 46206-6015

2Clas Feddiler C/D Site
Lick Co.
RECEIPT

DEPOSIT ...	RECEIPT #B:
03/16/1999	6379

RECEIVED FROM

R & M ENTERPRISES, INC.
18501 CLARK ROAD
LOWELL, IN 46356

CHECK NO.	PAYMENT METH...	CHECK DATE	CASHIER	CAUSE #
7925	Check	12/21/1998	MLP	

ITEM	DESCRIPTION	AMOUNT
2834120010070	Account Number: 2830 100700 Program: 412000	2,500.00
Approved by State Board of Accounts - 1998 State Form 48785 (4-98)		Total \$2,500.00

*Weaver
Boos &
Gordon, Inc.*

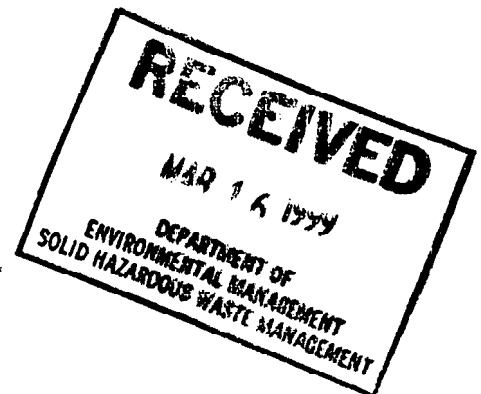
2C1a
Feddeler C/D Site
Lake Co.

200 SOUTH MICHIGAN AVENUE • SUITE 900 • CHICAGO, ILLINOIS 60604 • 312/922-1030 FAX 922-0201

March 12, 1999
Project No. 0072-03-11

Mr. Jeff Sewell
Solid Waste Facilities Branch
Office of Solid and Hazardous Waste Management (N1154)
Indiana Department of Environmental Management
100 North Senate Ave, P.O. Box 6015
101 Indianapolis, IN 46206-6016

**Re: Application of Minor Modifications
Feddeler C/D Facility, Lake County
Permit FP#45-08**



Dear Mr. Sewell:

On behalf of R & M Enterprises, **Weaver Boos & Gordon, Inc.** (*Weaver Boos*) is submitting this application for minor modifications of the referenced facility. Enclosed with this letter are three (3) prints of the proposed grading plan, a copy of the Fee Transmittal Form 47215 and a copy of the \$2,500 application fee, the original of which was sent to the IDEM's Cashiers office.

The revised grading plan has been prepared in accordance with 329IAC 10-2-112 and pursuant to several discussions and meetings between Weaver Boos representatives and yourself. Specifically, the revised grading plan affects the contours of the top most portion of the existing landfill. The revised grading plan includes contours at 2 foot intervals with finished slopes ranging from 4H:1V which blend into the existing side slopes to 2.5% minimum slopes along the crown of the landfill. The revised grading plan also indicates the location of proposed drainage routes to enhance the stormwater conveyance system of the landfill. Atop the landfill, drainage will be controlled via grassed lined swales. These swales will lead stormwater to riprap or broken concrete lined channels to convey water down the side slopes. Finally corrugated plastic or metal pipe culverts or open drainage swales may be used in selected areas to convey surface

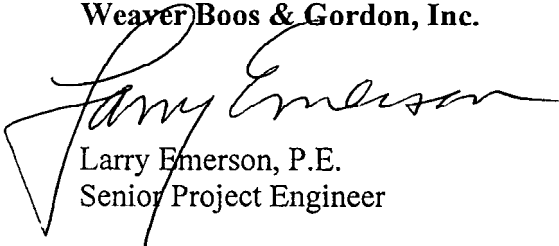
Mr. Sewell
March 12, 1999
Page 2

water towards the tributary to Bruce Ditch

The revised grading plan will result in a net volume increase of approximately 66,000 cubic yards (in-place) of refuse as compared to the currently approved grading plan. All other conditions of the existing permit will remain unchanged including the approved closure/post closure care plan and financial assurance.

If you have any questions or require further information, please feel free to call.

Very Truly Yours,
Weaver Boos & Gordon, Inc.

A handwritten signature in cursive script, appearing to read "Larry Emerson", is written over the typed name and title.

Larry Emerson, P.E.
Senior Project Engineer

cc: Julie Feddeler

Enclosure: as noted

*Weaver
Boos &
Gordon, Inc.*

200 SOUTH MICHIGAN AVENUE • SUITE 900 • CHICAGO, ILLINOIS 60604 • 312/922-1030 FAX 922-0201

March 12, 1999
Project No. 0072-03-11

Cashiers Office (N1324)
Indiana Department of Environmental Management
100 North Senate Avenue
P.O. Box 7060
Indianapolis, Indiana 46206-7060

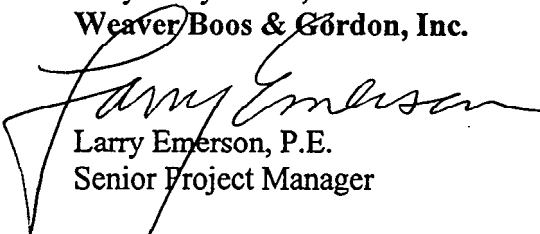
**Re: Feddeler C/D Landfill, Lake County
Permit # FP45-08
Application Fee for minor Modifications**

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If you have any questions or require further information, please feel free to call me.

Very Truly Yours,
Weaver Boos & Gordon, Inc.



Larry Emerson, P.E.
Senior Project Manager

Enclosure: as noted

Cc Jeff Sewell
Julie Feddeler



**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
SOLID WASTE FACILITY PERMIT APPLICATION & REGISTRATION
FEE TRANSMITTAL FORM 47215**

To begin:

Please read the instruction manual before beginning. This form shall be used to transmit fees for all solid waste management facility permits, applications (NEW permits, RENEWALS of permits, MAJOR and MINOR MODIFICATIONS of permits) and registrations. The current fee schedule was established by Ind. Code § 13-20-21-2 through 13-20-21-3, and is to accompany all payments. Make check or money order payable to the Indiana Department of Environmental Management. Upon completion, return this form and appropriate fees to the following address:

Cashier's Office (N1324)
Indiana Department of Environmental Management
100 North Senate Avenue, P.O. Box 7060
Indianapolis, Indiana 46206-7060

NOTE: A COPY of your check and a COPY of this fee transmittal form must be attached to your permit application or registration. Submit application or registration materials to:

Solid Waste Facilities Branch
Office of Solid and Hazardous Waste Management (N1154)
Indiana Department of Environmental Management
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

Section A. Applicant(s) Information

Name: <i>REM ENTERPRISES</i>		
Mailing Address: <i>18501 Clark Road</i>		City: <i>Lowell</i>
State: <i>IN</i>	Zip Code: <i>46356</i>	Telephone Number (with Area Code): <i>219-</i>
Facility Name and County: <i>Feddeler C/D Landfill, Lake County</i>		

DATE	PAYEE	DESCRIPTION	CHK NUM	AMOUNT
12/21/98	IDEM	PERMIT MODIFICATION	7925	\$2,500.00

ORIGINAL DOCUMENT IS PRINTED ON CHEMICAL REACTIVE PAPER & HAS A RECOGNIZED BORDER

R & M ENTERPRISES, INC.
 18501 CLARK ROAD
 LOWELL, IN 46338

FIRST COMMUNITY BANK AND TRUST
 BEECHER, IL

70-1155719

NO.
7925

DATE	AMOUNT
12/21/98	*****2,500.00

0007925

PAY *** Two Thousand Five Hundred & 00/100 Dollars

TO THE
ORDER
OF
IDEM

John A. Brown
John A. Brown

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN INTEGRAL WATERMARK - HOLD UP AT ANGLE TO VIEW

⑈007925⑈ ⑆071911652⑆ 074⑈004⑈

Jeff

BINGHAM SUMMERS
WELSH & SPILMAN

Attorneys at Law

Larry J. Kane

June 22, 1998

VIA CERTIFIED MAIL

Indiana Office of Environmental Adjudication
150 W. Market Street
ISTA Building, Room 618
Indianapolis, IN 46204

Re: Petition for Administrative Review and for Stay of Effectiveness
Cause No. 98-S-J-_____
R & M Enterprises, Inc.

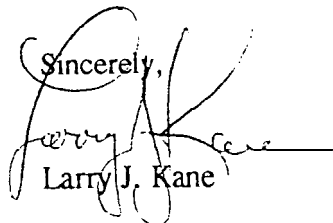
Dear Sir or Madam:

Enclosed for filing with the Office of Environmental Adjudication (OEA) on behalf of our client, R & M Enterprises, Inc., is an original and one copy of its Petition for Administrative Review and for Stay of Effectiveness concerning a Clarification of Approval of Renewal and Modification of Solid Waste Facility Permit FP 45-08. Please filemark the enclosed copy of the Petition and return to this office in the self-addressed, stamped envelope which is enclosed for your convenience

Under IC 4-21.5-3-1, the date of postmark for this mailing of the Petition is deemed to be the date of filing with the OEA. It is, therefore, requested that you file mark the enclosed Petition for the date of mailing, which is June 22, 1998. The undersigned certifies that the foregoing pleading were duly forwarded to the OEA for filing on June 22, 1998, via Certified Mail, return receipt requested.

Thank you for your assistance in this matter.

Sincerely,



Larry J. Kane

Enclosures

cc: Jeff Sewell, IDEM

Indianapolis Office

2700 Market Tower • 10 West Market Street
Indianapolis, Indiana 46204-2982
(317) 635-8900 • Fax: (317) 236-9907

Bloomington Office

645 North Walnut Street • P.O. Box 2358
Bloomington, Indiana 47402-2358
(812) 332-4577 • Fax: (812) 332-4774

BEFORE THE INDIANA OFFICE OF
ENVIRONMENTAL ADJUDICATION

CAUSE NO. 98-S-J-_____

Comes now R & M Enterprises, Inc. ("Petitioner" or "R&M"), by counsel, and, pursuant to IC 13-15-6, IC 4-21.5-3-5, and IC 4-21.5-3-7, petitions the Indiana Office of Environmental Adjudication (the "OEA") for administrative review of the *Clarification of Approval of Renewal and Modification of Solid Waste Facility Permit FP 45-08* (the "Permit Revision"), which was issued to R&M by the Indiana Department of Environmental Management ("IDEM") on or about June 3, 1998. Petitioner also seeks a stay of effectiveness of the Permit Revision pending a completion of administrative review under this Petition. In support of this Petition, R&M states the following:

1. On or about June 3, 1998, the IDEM, by Laura Steadham, Chief, Solid Waste Facilities Branch, Office of Solid and Hazardous Waste Management, issued the Permit Revision, which was dated June 3, 1998, to R&M by certified mail. A copy of the Permit Revision is attached hereto as Exhibit A.

2. The date of filing of this Petition, June 22, 1998, is no more than eighteen (18) days after the date appearing on the Permit Revision at its issuance (since Sunday, June 21, 1998 is not counted under IC 4-21.5-3-2). Thus, this Petition is timely.

3. The ostensible purpose of the Permit Revision is to "clarify and correct a clerical error" in the Approval of Renewal and Modification of Solid Waste Facility Permit FP 45-08 (the "Permit") that was issued on June 13, 1995 in regard to its reference to a map describing final contours for R&M's construction/demolition site.

4. This Petition for Administrative Review is submitted by the undersigned attorney on behalf of:

R & M Enterprises, Inc.
18501 Clark Road
Lowell, Indianapolis, IN 46356.

5. The Petitioner's interest in this matter is based upon the fact that R&M is the specific entity to which the Permit Revision was issued and is the permittee under the Permit which is being revised or modified by the Permit Revision. The Permit governs R&M's operation of a construction/ demolition debris disposal site ("C/D Site") located in Lake County, Indiana.

6. The Petitioner raises certain objections to the Permit Revision, which are stated more specifically as follows:

a. The Permit Revision purports to be merely a clarification and correction of clerical error in the 1995 Permit issued to R&M. In particular, the alleged error in the 1995 Permit being corrected by the Permit Revision is the identification of the specific map referenced in the Permit to describe the construction of R&M's C/D disposal site, including final contours of the fill.

b. The Permit Revision was issued without any prior notice to R&M. R&M has been unable to verify that the construction design map as referenced in the Permit is incorrectly identified such that the "clarification and correction" of the Permit Revision is needed or, even if needed, is accurately stated.

c. R&M is uncertain that a construction design map or plan was ever clearly identified by IDEM or R&M at the time of the issuance of the Permit for the intended purpose of defining the approved fill contours.

d. R&M believes, therefore, that the Permit Revision may incorrectly identify a map for purposes of defining the activities to be conducted under the Permit and may constitute an arbitrary and capricious action by the IDEM.

7. The issues proposed by Petitioner for consideration at an administrative hearing under this Petition are whether the Permit Revision is materially inaccurate and incorrect and, therefore, should be found to be legally deficient and invalid.

8. If the Permit Revision incorrectly identifies the construction map for purposes of the Permit, the Permit Revision should be vacated and remanded to IDEM for further action to eliminate the deficiency. If the Permit is correct as it read prior to the Permit Revision, then no revision is needed. If the Permit is ultimately found to be incorrect with respect to the map identification, and the Permit Revision is also incorrect, then the Permit Revision would need to be corrected to specify the right map.

9. As a result of the objectionable circumstances and deficiencies associated with the Permit Revision, as described above, R&M is aggrieved and adversely affected by IDEM's issuance of the Permit Revision.

10. The Office of Environmental Adjudication has jurisdiction over this Petition.

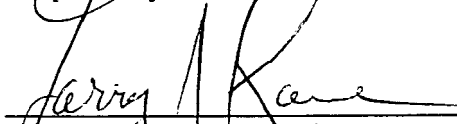
II. Petition for Stay of Effectiveness

11. For Paragraph 11 of its Petition, Petitioner incorporates by reference Paragraphs 1 through 10 of this Petition as if fully restated herein.

12. Petitioner respectfully requests that the effectiveness of the Permit Revision, and all terms and conditions thereof, be stayed pending a final resolution of this Petition. Petitioner contends that the Permit Revision is erroneous and should not have been issued by IDEM. Petitioner further contends that the modifications made to the Permit by the Permit Revision will have a serious and potentially irreparable adverse effect upon Petitioner's activities under the Permit and Petitioner's rightful use of its property.

WHEREFORE, Petitioner, R & M Enterprises, Inc., respectfully requests that administrative review of the Permit Revision be conducted in accordance with the foregoing allegations and applicable law, that the Permit Revision be vacated and remanded to the IDEM, to the extent it is found to be unlawful, for further action consistent with applicable law, that the Permit Revision be stayed pending a resolution of this matter, and for all other proper relief.

Respectfully submitted,



Larry J. Kane (#5066-53)
Attorney for Petitioner
R & M Enterprises, Inc.

BINGHAM SUMMERS WELSH & SPILMAN
2700 Market Tower
10 West Market Street
Indianapolis, IN 46204-2982
(317) 635-8900
(317) 236-9907 (facsimile)



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Frank O'Bannon
Governor

John M. Hamilton
Commissioner

EXHIBIT A

100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015
(317) 232-8603
(800) 451-6027
www.idem.org

VIA CERTIFIED MAIL 2 339 934 591

June 3, 1998

Mr. Robert Feddeler
R & M Enterprises, Inc.
18501 Clark Road
Lowell, IN 46356

Dear Mr. Feddeler:

Re: Clarification of Approval of Renewal and
Modification of Solid Waste Facility Permit
FP 45-08
Feddeler Construction/Demolition Site
Lake County

The purpose of this letter is to clarify and correct a clerical error in the above Approval of Renewal and Modification of Solid Waste Facility Permit for the Feddeler C/D site in Lake County, that was issued to you on June 13, 1995. Please refer to the second to the last sentence of Permit Requirement A11, which shall be amended to read as follows:

"The approved final contours are shown on the map revision untitled, dated June 5, 1981 (instead of May 5, 1981)."

We apologize for any confusion or inconvenience this may have caused. If you have any questions, please contact Mr. Jeff Sewell, Permit Manager for Lake County, at 317/233-5562.

Sincerely,

Laura Steadham, Chief
Solid Waste Facilities Branch
Solid and Hazardous Waste Management

LS/jls:dcB

Enclosure: Notice of Decision

cc: Lake County Health Department (with enclosure)
Lake County Commissioners (with enclosure)
Lake County Solid Waste Management District (with enclosure)

RECEIVED

JUN 24 1998

**DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT
SOLID HAZARDOUS WASTE MANAGEMENT**

NOTICE OF DECISION


Indiana Department of Environmental Management

You are hereby notified that the Indiana Department of Environmental Management, Office of Solid and Hazardous Waste Management, has issued a clarification to the June 13, 1995 approval of renewal and modification of the solid waste facility permit for the Feddeler Construction/Demolition Landfill, which is located on SR 2, 1/2 mile east of US 41, Lake County, Indiana. This was a correction to the reference date of the final contour map. A copy of this clarification is available for review at the Lowell Public Library, located at 1505 East Commercial, Lowell, Indiana.

If you wish to challenge this decision, IC 4-21.5-3-7 requires that a petition for administrative review be filed. This petition describing your intent must be submitted to the Office of Environmental Adjudication, ISTA Building, 150 W. Market Street, Suite 618, Indianapolis, IN 46204, within eighteen (18) days from the mailing of this notice. The filing of a petition for administrative review is complete on the earliest of the following dates that apply to the filing: (1) The date the document is delivered to the Office of Environmental Adjudication (OEA), (2) The date of the postmark on the envelope containing the document, if the document is mailed to OEA by U.S. mail, or (3) The date on which the document is deposited with a private carrier, as shown by the receipt issued by the carrier, if the document is sent to the OEA by private carrier. In order to assist the permit staff in tracking appeals, we request that you submit a copy of your petition to Mr. Jeff Sewell, Solid Waste Facilities Branch, at 100 N. Senate Avenue, P.O. Box 6015, Indianapolis, Indiana 46206. This petition must include facts demonstrating that the petitioner is the applicant, a person aggrieved by the decision, or a person entitled to review by law. Identifying the permit, decision, or other order for which you seek review by permit number, name of the applicant, location, or date of this notice, will expedite review of the petition.

Pursuant to IC 4-21.5-3-5(d), the Office of Environmental Adjudication will provide the petitioner or any person requesting notice with notice of prehearing conferences, preliminary hearings, hearing stays or orders disposing of the petition for review if a written request for such notice is submitted to the Office of Environmental Adjudication at the above address. If you have procedural or scheduling questions regarding your petition, you may contact OEA at 317/232-8591.

Please bring this matter to the attention of persons you believe may have an interest in it.



Laura Steadham, Chief
Solid Waste Facilities Branch
Solid and Hazardous Waste Management



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Indianapolis, Indiana 46206-6015
(317) 232-8603
(800) 451-6027
www.ai.org/idem

VIA CERTIFIED MAIL

Z 339 934 591

June 3, 1998

Mr. Robert Feddeler
R & M Enterprises, Inc.
18501 Clark Road
Lowell, IN 46356

Dear Mr. Feddeler:

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Modification of Solid Waste Facility Permit
FP 45-08
Feddeler Construction/Demolition Site
Lake County

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We apologize for any confusion or inconvenience this may have caused. If you have any questions, please contact Mr. Jeff Sewell, Permit Manager for Lake County, at 317/233-5562.

Sincerely,

Laura Steadham, Chief
Solid Waste Facilities Branch
Solid and Hazardous Waste Management

LS/jls:dcB

Enclosure: Notice of Decision

cc: Lake County Health Department (with enclosure)
Lake County Commissioners (with enclosure)
Lake County Solid Waste Management District (with enclosure)



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Indianapolis, Indiana 46206-6015
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(800) 451-6027
www.idem.org

Legal Advertising Department
Post Tribune
1065 Broadway
Gary, IN 46402

June 3, 1998

Dear Sir/Madam:

Re: Public Notice

Enclosed please find a copy of our Notice of Decision to issue a clarification to the June 13, 1995 approval of renewal and modification of the solid waste facility permit for the Feddeler Construction/Demolition Landfill, in Lake County. We request that you publish this notice, one time only, as soon as possible.

For billing, please send a notarized form and clippings showing the date of publication to Mr. Jeff Sewell, Indiana Department of Environmental Management, P.O. Box 6015, Indianapolis, Indiana 46206-6015. On the backside of your publisher claim, please be sure to include your Social Security or Federal Identification number on the first line below the statement: "In the sum of \$..."

If you have any questions, please call Mr. Sewell at 317/233-5562.

Sincerely,

Laura Steadham, Chief
Solid Waste Facilities Branch
Solid and Hazardous Waste Management

JLS/dcb

Enclosure: Notice of Decision

cc: Lake County Health Department (with enclosure)
Lake County Commissioners (with enclosure)
Lake County Solid Waste Management District (with enclosure)

NOTICE OF DECISION

Indiana Department of Environmental Management

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If you wish to challenge this decision, IC 4-21.5-3-7 requires that a petition for administrative review be filed. This petition describing your intent must be submitted to the Office of Environmental Adjudication, ISTA Building, 150 W. Market Street, Suite 618, Indianapolis, IN 46204, within fifteen (15) days from the publication of this notice. The filing of a petition for administrative review is complete on the earliest of the following dates that apply to the filing: (1) The date the document is delivered to the Office of Environmental Adjudication (OEA), (2) The date of the postmark on the envelope containing the document, if the document is mailed to OEA by U.S. mail, or (3) The date on which the document is deposited with a private carrier, as shown by the receipt issued by the carrier, if the document is sent to the OEA by private carrier. In order to assist the permit staff in tracking appeals, we request that you submit a copy of your petition to Mr. Jeff Sewell, Solid Waste Facilities Branch, at 100 N. Senate Avenue, P.O. Box 6015, Indianapolis, Indiana 46206. This petition must include facts demonstrating that the petitioner is the applicant, a person aggrieved by the decision, or a person entitled to review by law. Identifying the permit, decision, or other order for which you seek review by permit number, name of the applicant, location, or date of this notice, will expedite review of the petition.

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Please bring this matter to the attention of persons you believe may have an interest in it.



Laura Steadham, Chief
Solid Waste Facilities Branch
Solid and Hazardous Waste Management



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(800) 451-6027
www.idem.org

Lowell Public Library
1505 East Commercial
Lowell, IN 46356-1899

June 3, 1998

Dear Sir/Madam:

Re: Documents for Public View

A copy of the clarification to the June 13, 1995 approval of renewal and modification of the solid waste facility permit for the Feddeler Construction/Demolition Landfill, is enclosed. Please make these documents available to the public for the next twenty (20) days, since this approval can be appealed within that time period. You will also find enclosed a copy of the public notice announcing the decision and indicating the document's availability at your library. This public notice will appear in a local newspaper soon.

Please date and sign the enclosed verification of receipt form and mail it to our office in the envelope provided.

Thank you very much for your cooperation and if you have any questions, please contact Mr. Jeff Sewell, at 317/233-5562.

Sincerely,

Laura Steadham, Chief
Solid Waste Facilities Branch
Solid and Hazardous Waste Management

Enclosures: Notice of Decision
Permit Letter
Verification of Receipt Form
Agency Addressed Envelope

cc: Lake County Health Department (without enclosure)
Lake County Commissioners (without enclosure)
Lake County Solid Waste Management District (without enclosure)